

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Mark A. Graham**  
**Deborah J. Graham**  
Debtor(s)

Bankruptcy Case No.: 14-22141-CMB  
Issued Per May 18, 2017 Proceeding  
Chapter: 13  
Docket No.: 77 – 71, 72  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated April 1, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$3,304 as of June 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The secured claim of Capital One Auto Finance at Claim No. 2 shall govern as to claim amount, to be paid at the modified plan terms at \$566 per month. The secured claim of Wilmington Savings Fund Society (Nationstar) at Claim No. 6 shall govern as to prepetition arrears, and the monthly post-petition payments shall be based on allowed payment changes of record.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

  
Carlota M. Böhm, Judge  
United States Bankruptcy Court

Dated: May 24, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Mark A. Graham  
 Deborah J. Graham  
 Debtors

Case No. 14-22141-CMB  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: jhel  
 Form ID: 149

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 Total Noticed: 37

Date Rcvd: May 24, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 26, 2017.

db/jdb  
 cr +Mark A. Graham, Deborah J. Graham, 748 Shadyside Dr, West Mifflin, PA 15122-3231  
 +Equitable Gas Bankruptcy Department, Attn: Judy Gawlowski, 225 North Shore Drive 2nd Floor,  
 Pittsburgh, PA 15212-5860  
 cr ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096  
 (address filed with court: Nationstar Mortgage, LLC., PO Box 630267, Irving, TX 75063)  
 cr +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 13861468 +AAS Debt Recovery, PO Box 129, Monroeville, PA 15146-0129  
 13861470 +AES/PHEAA-KEYCON, 1200 N 7th ST, Harrisburg, PA 17102-1419  
 13861480 ++COLLECTION SERVICE CENTER INC, 363 VANADIUM ROAD, STE 109, PITTSBURGH PA 15243-1477  
 (address filed with court: Collection Service Center, 250 Mt Lebanon Blv,  
 West Mifflin, PA 15122)  
 13861477 +Capital One, PO Box 30253, Salt Lake City, UT 84130-0253  
 13861478 +Capital One Auto Finance, PO Box 259407, Plano, TX 75025-9407  
 13861479 +Capital One Bank, P.O. Box 30281, Salt Lake City, UT 84130-0281  
 13861482 +Credit Management Co, 681 Andersen Dr, Pittsburgh, PA 15220-2766  
 14116331 ECMC, PO BOX 16408, ST. PAUL MN 55116-0408  
 13947251 +Equitable Division Peoples Natural Gas Company LLC, 225 North Shore Drive,  
 Pittsburgh PA 15212-5860  
 13950196 +Level Financial LLC, PO Box 3023, Hutchinson, KS 67504-3023  
 13893285 +NATIONSTAR MORTGAGE, LLC, C/O Weinstein, Pinson, & Riley, P.S.,  
 2001 Western Avenue, Ste. 400, Seattle, WA 98121-3132  
 13887307 +PHEAA, PO Box 8147, Harrisburg, PA 17105-8147  
 13861491 +State Collections SVC, PO Box 6250, Madison, WI 53716-0250  
 13861492 +US Bank National Association, 7105 Corporate Drive, Plano, TX 75024-4100  
 14401542 Wilmington Savings Fund Society, FSB, P.O.Box 52708, Irvine, CA 92619-2707

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: acg.acg.ebn@americaninfosource.com May 25 2017 00:50:43  
 Capital One Auto Finance c/o Ascension Capital Gro, P.O. Box 201347,  
 Arlington, TX 76006-1347  
 cr E-mail/PDF: rmscedi@recoverycorp.com May 25 2017 00:50:50  
 Recovery Management Systems Corporation, 25 S.E. Second Avenue, Suite 1120,  
 Miami, FL 33131-1605  
 13865064 E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM May 25 2017 02:58:28  
 American InfoSource LP as agent for, Spot Loan fka Zestcash, PO Box 248838,  
 Oklahoma City, OK 73124-8838  
 13878066 +E-mail/PDF: acg.acg.ebn@americaninfosource.com May 25 2017 00:50:58  
 Capital One Auto Finance, c/o Ascension Capital Gr, P.O. Box 201347,  
 Arlington, TX 76006-1347  
 13861481 +E-mail/Text: bankruptcy@firstenergycorp.com May 25 2017 00:58:30 Collection Service Center,  
 839 5th Avenue, New Kensington, PA 15068-6303  
 13861485 +E-mail/PDF: creditonebknofications@resurgent.com May 25 2017 00:50:42 Credit One Bank,  
 PO Box 98873, Las Vegas, NV 89193-8873  
 13945613 +E-mail/Text: DQENOTICES@BERNSTEINLAW.COM May 25 2017 00:59:21 Duquesne Light Company,  
 c/o Peter J. Ashcroft,, Bernstein-Burkley, P.C.,, 707 Grant St., Suite 2200, Gulf Tower,,  
 Pittsburgh, PA 15219-1945  
 13861486 +E-mail/Text: bnc-bluestem@quantum3group.com May 25 2017 00:59:05 Fingerhut/Met Bank,  
 6250 Ridgewood Rd, Saint Cloud, MN 56303-0820  
 13861487 +E-mail/PDF: gecsed@recoverycorp.com May 25 2017 00:50:45 GE/ Care Credit, PO Box 965006,  
 Orlando, FL 32896-5006  
 13861488 +E-mail/PDF: gecsed@recoverycorp.com May 25 2017 00:50:45 GE/JC Penney, PO Box 965007,  
 Orlando, FL 32896-5007  
 13951350 E-mail/PDF: resurgentbknofications@resurgent.com May 25 2017 00:51:03  
 LVNV Funding, LLC its successors and assigns as, assignee of FNBK, LLC,  
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 13951377 E-mail/Text: bkr@cardworks.com May 25 2017 00:57:25 MERRICK BANK,  
 Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368  
 13861490 +E-mail/Text: bkr@cardworks.com May 25 2017 00:57:25 Merrick Bank, P.O. Box 9201,  
 Old Bethpage, NY 11804-9001  
 13951717 +E-mail/Text: csc.bankruptcy@amwater.com May 25 2017 00:59:16 PA American Water,  
 PO Box 578, Alton, IL 62002-0578  
 13902562 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com May 25 2017 01:01:22  
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541  
 13893014 E-mail/PDF: rmscedi@recoverycorp.com May 25 2017 00:51:05  
 Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120,  
 Miami, FL 33131-1605  
 13955359 E-mail/PDF: gecsed@recoverycorp.com May 25 2017 00:51:02 Synchrony Bank,  
 c/o Recovery Management Systems Corp, 25 SE 2nd Ave Suite 1120, Miami FL 33131-1605  
 14318058 +E-mail/PDF: gecsed@recoverycorp.com May 25 2017 00:51:00 Synchrony Bank,  
 c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021

TOTAL: 18

District/off: 0315-2

User: jhel  
Form ID: 149

Page 2 of 2  
Total Noticed: 37

Date Rcvd: May 24, 2017

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr Duquesne Light Company  
cr Nationstar Mortgage LLC  
cr Wilmington Savings Fund Society, FSB, d/b/aChristi  
cr\* ECMC, P.O. BOX 16408, ST. PAUL, MN 55116-0408  
13861469\* +AAS Debt Recovery, Po Box 129, Monroeville, PA 15146-0129  
13861471\* +AES/PHEAA-KEYCON, 1200 N 7th ST, Harrisburg, PA 17102-1419  
13861472\* +AES/PHEAA-KEYCON, 1200 N 7th ST, Harrisburg, PA 17102-1419  
13861473\* +AES/PHEAA-KEYCON, 1200 N 7th ST, Harrisburg, PA 17102-1419  
13861474\* +AES/PHEAA-KEYCON, 1200 N 7th ST, Harrisburg, PA 17102-1419  
13861475\* +AES/PHEAA-KEYCON, 1200 N 7th ST, Harrisburg, PA 17102-1419  
13861476\* +AES/PHEAA-KEYCON, 1200 N 7th ST, Harrisburg, PA 17102-1419  
13861483\* +Credit Management Co, 681 Andersen Dr, Pittsburgh, PA 15220-2766  
13861484\* +Credit Management Co, 681 Andersen Dr, Pittsburgh, PA 15220-2766  
14116332\* ECMC, PO BOX 16408, ST. PAUL MN 55116-0408  
13861489\* +GE/JC Penney, PO Box 965007, Orlando, FL 32896-5007

TOTALS: 3, \* 12, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 26, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 24, 2017 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor Nationstar Mortgage LLC agornall@goldbecklaw.com,  
bkgroup@goldbecklaw.com/bkgroup@kmlawgroup.com  
James Warmbrodt on behalf of Creditor Nationstar Mortgage LLC bkgroup@kmlawgroup.com  
James Warmbrodt on behalf of Creditor Wilmington Savings Fund Society, FSB, d/b/aChristiana  
Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust  
bkgroup@kmlawgroup.com  
James A. Prostko on behalf of Creditor Nationstar Mortgage, LLC. pawb@fedphe.com,  
james.prostko@phelanhallinan.com  
Lawrence W. Willis on behalf of Joint Debtor Deborah J. Graham help@urfreshstrt.com,  
urfreshstrt@gmail.com  
Lawrence W. Willis on behalf of Debtor Mark A. Graham help@urfreshstrt.com,  
urfreshstrt@gmail.com  
Lawrence W. Willis on behalf of U.S. Trustee Office of the United States Trustee  
help@urfreshstrt.com, urfreshstrt@gmail.com  
Lawrence W. Willis on behalf of Trustee Ronda J. Winnecour help@urfreshstrt.com,  
urfreshstrt@gmail.com  
Office of the United States Trustee ustregion03.pi.ecf@usdoj.gov  
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,  
ckutch@ecf.courtdrive.com;pashcroft@ecf.courtdrive.com/pghecf@bernsteinlaw.com;cabbott@ecf.court  
rive.com  
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com  
S. James Wallace on behalf of Creditor Equitable Gas Bankruptcy Department sjw@sjwpggh.com,  
Equitablebankruptcy@peoples-gas.com/srk@sjwpggh.com

TOTAL: 12